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H – 1159

International Court of Justice

H1159 - 0002

TRIAL BRIEF

WILHELM KEITEL

(Part I Review of the evidence on Counts 1 & 2)
( )
(Part II Documentation)

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WILHELM KEITEL

Review of the evidence on Counts 1 and 2.

A. The charges.

The statement of his individual responsibility in Appendix A of the Indictment alleges that between 1938 and 1945 Keitel held various offices and that he used these positions, his personal influence and his intimate connection with the Fuhrer to do various of the acts set out in Counts One, Two, Three and Four of the Indictment. This statement is not to be taken to include all the matters upon which the Prosecution may rely: see general words at the commencement of Appendix A. In fact there is a great deal of evidence to show that Keitel was an active participator from 1933 in the planning and preparation of Wars of aggression and in violation of Treaties etc.

Therefore, in spite of the limitation in the statement of Individual Responsibility to the period between 1938 and 1945 the case for the Prosecution against Keitel is that he was an active member of the Conspiracy from 1933 and that he continued to be so until the final defeat of Germany; and the Tribunal will be asked to say that that case has been fully established by the evidence.

B. The chronological case.

This falls conveniently into ten heads:-

(1) Participating in the secret rearmament of Germany in breach of the Treaty of Versailles and other Treaties
Count One IV (F) 1 & 2.

(2) Participating in the reoccupation and fortification of the Rhineland
Count One IV (F) 1 & 2.

(3) Participating in the planning for the assault on Austria and Czechoslovakia
Count One IV (F) 3 (a)

(4) Participating in the execution of the plan to invade Austria
Count One IV (F) 3 (b)

(5) Participating in the execution of the plan to invade Czechoslovakia
Count One IV (F) 3 (c)

(6) Participation in the planning etc. against Poland
Count One IV (F) 4

(7) Participation in the planning etc. against Denmark, Norway, Belgium, The Netherlands, Luxembourg, Yugoslavia and Greece
Count One IV (F) 5

(8) Participation in the war etc against the U.S.S.R.
Count One IV (F) 6

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(9) Participation in the war etc. against the U.S.A.
Count One IV (F) 7

(10) Participation in the planning etc. of War Crimes and Crimes against Humanity
Count One IV (G)

C. Official positions held by Keitel from 1933.

In May 1933 Chief Colonel (as he then was) Keitel was a member of the working Committee of the Delegates for Reich Defence: and in that month the Reichs Defence Council by a Cabinet Decision of 4.4.43 was set up. See E.C.177. In December 1935 Keitel is a Major General: Head of the Wehrmachtsamt in the Reichs War Ministry: and President of the R.D.C. See E.C.406 and 3019-PS. In 1938 he becomes Chief of the new OKW with the status of a Reich Minister: and a member of the Secret Cabinet Council. In 1939 he becomes a member of the Ministerial Council for the defence of the Reich. In 1940 he was made a Field Marshall. All these offices can be prove by the official publications set out in the particularised list of documents herewith.

D. Evidence in support of the chronological case (see B above)

(1) Secret rearmament.

From E.C.177 it is clear that as early as 22.5.33 K took a leading part in rearmament and in planning for war: all the powers and means of the nation were to be surveyed and utilised: a law to place every German and his propert at the war service of the nation was to be prepared (p.2): the co-operation of the Food Ministry was most important (p.3): the task was regarded by K as most urgent as so little work had been done in previous years: experience of previous wars was to be studied: plans for war economy and even for A.R.P. were to be worked out (p.4): plans for security were regarded as vital: if documents were lost enemy propaganda would use: lying to Geneva was contemplated (p.5).

The whole of this document shows that K was something more than a mere soldier and that he was working in close co-operation with all Departments of the State so that the entire national resources should be directed to the planning for war. It is interesting to note that even at this date Germany talks about "enemy" propaganda. E.C.406 shows that K was continuing so to plan and prepare in December 1935: that he is taking a very active part in the "organization of the whole nation..... for Reichs Defence;" in the mobilization of the civilian population: in the problems of raw material and money: and in other problems of war eceonomy. The hollowness of the pretence implied in the oft used phrase "Reichs Defence" is exposed by the aggressive actions successively set out below.

(2) Reoccupation etc. of the Rhineland.

The knowledge and active participation of K is shewn by C-194 his order for air reconnaissance and U-boat movement during this Treaty-breaking operation. Shorthand note (hereinafter called "S/N") page 461.

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(3) Planning re Austria and Czechoslovakia.

K's participation in Germany's plans of aggression against Austria are clearly proved by his presence at Obersalzburg on 11.2.38: his putting the wretched Schusschnigg under "heavy pressure" and his suggestions (which were approved) to the Fuhrer that "false but quite credible" news should be spread to intimidate the Austrian Government.

1780-PS: U.S.A.72: J's Diary.

1775-PS: U.S.A.75: K to Fuhrer

S/N 557.8.

His participation in the aggressive intentions against Czechoslovakia is demonstrated by 388-PS: U.S.A.26: the "Plan Green" which has already been copiously referred to: S/N 735, 741-8, 760-776, 798-807 and which shows that from April 1938 until the end of September K was, at the instance of the Fuhrer, directing and controlling every move in the months of preparation and aggression which led up to the Munich Pact.

(4) Planning re invasion of Austria.

K initials C-102: U.S.A.74: the Fuhrer's order to invade Austria "if other measures prove unsuccessful" and two OKW directives are issued in accordance with this. C-103: U.S.A.75: and C-182: U.S.A.77.

S/N 560, 561, 576

(5) Planning re invasion of Czecho Slovakia.

K's complicity is clearly shown by his signature of the Fuhrer's order C-136: U.S.A.104: of 21.10.38 which was inflagrant breach of the Munich Pact entered into less than a month before: and by his issue of the subsequent consequential order. C0138: U.S.105:

S/N 807, 8.

(6) Planning etc. against Poland.

On 3.4.39 K issues a directive for "Fall Weiss", i.e. the plan in considerable detail for the invasion of Poland. C-120: G.B.41.

S/N 997

(7) Planning re seven countries mentioned Count One IV (F) 5:-

K is present at the Conference at which it is decided to ignore declarations of neutrality. L-79: U.S.A.27:
S/N 359, 408. 1110:
He thereafter issues directives as to the invasion of the Low Countries and the orders postponing A, all of which are so well known by now that to repeat them here would be a waste of effort. They are dealt with in S/N pages 1114-1117. He sets up a planning staff to work out the occupation of Norway. GB 87: C-63: S/N 1079, and many other vital documents shew that he was in charge of the duty of seeing that the Fuhrer's orders to invade all the western neutrals were carried out. These documents are particularised in the accompanying list.

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(7) continued

With regard to Greece and Yugosloavia the documents listed below again show that K acted at every step as the Fuhrer's right hand man in the assault upon these countries. Perhaps the two key documents are :-

448-PS) the Fuhrer's order for the operation against
GB-118) Greece intialled by K.

1746-PS) the Conference at which the decision to destroy
GB-120) Yugoslavia was arrived at.

S/N 1135 - 1143.

(8) Planning re U.S.S.R.

Again the documents set out here-after makes participation in this Treaty-breaking invasion too obvious to merit serious discussion. Perhaps the key document here is 446-PS: U.S.A.131: the order for "Barbarossa" initialled by K. S/N 1170.

(9) Planning re U.S.A.

Here in March 1941 K is taking active steps for Japan to be drawn into the War and the "unpreparedness of U.S.A. for War" is commented upon in his presence.

C-75: U.S.A.151)
C-152: G.B. 122) S/N 1227 - 1230.

(10) Complicity re War Crimes and Crimes against humanity.

The documents indicating K's culpability for the above are listed hereinafter.

The most important ones, showing that K planned such crimes as a matter of policy are set out below:-

C-50) K's directive to use "ruthless action against the
UK-64) enemy population" in the U.S.S.R.

L-90)
UK-35) "Nacht" und Nebel" directive.

UK-20 Directive re de Gaullist p.o.w.

553-PS Directive re parachutists.

UK-57)
551-PS) Show K acted on Hitler's notorious order to murder
557-PS) Commandos etc. (498-PS)

137-PS)
138-PS) re Plunder.
743-PS)

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E. K's responsibility under the Charter.

The foregoing, it is submitted, conclusively proves that K assisted, aided and abetted the following acts:-

(a) planning, preparing, initiating and waging wars of aggression and wars in violation of treaties, etc;

(b) the commission of offences against the laws and customs of war as regards P.o.W., civilians of occupied territories and the plunder of public and private property;

(c) crimes against humanity as defined by Charter Art.6(c).

These are all crimes within Art. 6 of the Charter and therefore prima facie his guilt is beyond any question.

It is true that K was only a staff officer, albeit the most eminent and powerful one in the Reich, and that he as a rule is only carrying out the orders of the Fuhrer. But that is no defence. See Charter Art. 8. It is apparent in some cases that K suggests a certain line of action to the Fuhrer (as in the case of Austria): and that by the nature of things he exercised a wide personal line of action. But this is not a burden the Prosecution need shoulder.

It is only necessary for us to say - as we do - that these appalling crimes, which brought misery and death to so many millions, could not have been carried out by one man alone.

These diabolical schemes may have ingerminated in the wicked brain of Hitler. To realise them he had to find men almost as wicked as himself who were ready to do his bidding.

In Keitel there was the perfect co-operator. A man who was apparently deaf to any calls of conscience: dead to any sense of honour: ignorant of any distinction between right and wrong.

He reaped the fruits of his ~~crimes~~ iniquity, rising in position and power as one monstrous crime succeeded another.

The United Nations demand his punishment in order to vindicate all that is decent and honourable and just in mankind.

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WILHELM KEITEL

GENERAL INFORMATION.

Age: 63

Profession: Professional Soldier

Defence Counsel: Dr. Otto Nette

OFFICIAL APPOINTMENTS.

Appointments	Dates	How Proved	Remarks
Major General	1.4.34		
Head of Wehrmachtsamt in Reichskriegsministeriam	1935	3019-PS. Das Archiv Vol 18 p.360	
Chief of New High Command of German Armed Forces	4.2.38	1915-PS Decree RGB 5.2.38 1938 Part 1 p 111	
Chef des OKW "To be considered equal in rank to a Reich Minister"			
Field Marshall	1940	3020 Das Archiv Vol.76 p.386	
Member of the Secret Cabinet Council 4 Feb.1938 to 1945		2031-PS. Decree 1938 RGB Part I p.112	
Member of Ministerial Council for the defence of the Reich 30.8.39 - 1945.		2018-PS Decree 1939 RGB Part I p 1539	
Member of Reichs Defence Council 4.9.38 to 1945		2194-PS R Defence Law 4.9.38 para 10.	

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Matters, other than those specified in Appendix A, upon which the Prosecution will rely. (See general words at p.28 of Indictment)	Documents and evidence relied on.
From 1933 K was a Member of the Reich Defence Council.	EC 177: 22.5.33: Minutes of working Committee R.D.C. K presides:- discussion re organisation of war economy. K:- No documents must be lost. Oral statements can be denied at Geneva Safe communication of letters must be guaranteed. K:- Promises copies of Cabinet Decrees. K signs Minutes.
From 1935 K. was President and Chairman of the R.D.C.	EC 406: 6.12.35: Minutes 11th Meeting R.D.C. K:- mobilization year starts 1.4.36 when books will be issued to Civilians. Raw material and L.S.D. discussed. J. discusses mobilization.
	C-194 6.3.36: K signs orders for Air reconnaissance and U-boat movement during the reoccupation of the Rhineland.

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EC-407: 14.5.36:

Minutes of R.D.C.
K stresses need for secrecy
Difficulties of the economic situation, such as the raw material and the foreign exchange situations are discussed: K points out the importance of propaganda as a weapon

L-211: 19.4.38:

(Appendix only need be copied)

OKW Circular

"Top secret for Commanders only....."

..... Appendix what is War of the Future ? .....
Surprise. ... the promise for quick initial success .... ..
Declaration of War no longer necessarily the first step .....
Normal rules of war towards neutral nations..... apply only on basis of whether.... these rules create greater advantages or disadvantages....

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ALLEGATIONS BY PROSECUTION.

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etween 1938 and 1945 was:

Chief of High Command of
G. Armed Forces.

Member of the Secret Cabinet Council

RGB 5.2.38.

2194 P.S: R. Defence Law

Member of the Council of Ministers
for the Defence of the Reich

Field Marshall

He used these positions

his personal influence

his intimate connection

with the Fuhrer

in such a manner that:-

(1) He promoted the Military preparations
for War set forth in Count One

e.g. Count One IV (B) ".. ...conspirators

deliberately planned aggressive Wars

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(2) Participated in the political planning and preparation for Wars of Aggression, Wars in violation of Treaties etc. in Counts 1 and 2

(3) Executed assumed responsibility for the execution of Plans of conspirators for Wars of Aggression, Wars in violation etc. in Counts 1 & 2

e.g. Count One (F) 3(a)
"Plans for aggression (against Austria) in violation of that treaty.....

Military preparation was concluded....."

Count One (F) 3(B)
"Execution of the plan to invade Austria .....threatened invasion.....invasion began on the 12.3.38"

Count One (F) 3(C) 1,2,4.
"Execution of the plan to invade Czechoslovakia....
on 21.4.38.....Conspirators met and prepared.....attack .....not later than 1.10.38 ..... decided to launch a military attack.....
after 21.4.38.....
Conspirators prepared .... military plans to carry out attack.....overcome.....resistance within four days....
May to September plans made more specific.....by 3.9.38.....
decided... all troops ready for action on 28.9.38.

"On 15.3.39....Conspirators seized and occupied the major part of Czechoslovakia

1780-PS J's Diary. 12.2.38
AH, K & J putting pressure on Schuschnigg

1775-PS) 14.2.38: K suggests to AH:
USA-75) "sham military action"

C 102) 11.3.38. initialled by K.
US 74) AH's order for op OTTO

C 103) 11.3.38. OKW directive
US 75) sgd. JODL. re OTTO

C 182) 11.3.38. re OTTO -
US 77) OKW directive

388-PS) 21.4.38; K & AH meet:
item 2) discuss'plans. Murder Ambassador Prague

388-PS) 20.3.38: Plan for political
US -26) and military campaign v Czecho issued by K.

388-PS 27.9.38: Directive sgd K.
"Mobilise secretly"
See Generally as to 388-PS:
S/N 735: 741-8: 760-776: 798-807.

C-136) 21.10.38: K countersigns
US-104) AH's order "Liquidate rest of Czecho...occupy Memel"

C-137) 24.11.38: K deals with
GB-33) surprise occupation of Danzig

C-138) 17.12.38: "Prepare liquida-
US-105) tion of Czecho" sgd K.

15.3.39: K present: AH & Hacha:
2798-PS threat to bomb Prague:
Czecho surrenders.

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Count One (F) 4

(a).....influential group of Conspirators met on 23.5.39.....decided....to attack Poland .....at the first opportunity .....
agreed that War with England and..France must eventually result....determined to prepare.... plans for an attack on Poland ... and thereafter for an attack on England and France together with plans for the occupation ... of the Netherlands and Belgium

L-79) Schmundt's Minutes
US-27)

C-120A) 3.4.39: K directive for "Fall
GB-41) Weiss"

C-126 22.6.39: do.
need for "camouflage"

795-PS) K's confce re giving
GB-54) Polish uniform to Heydrich

(b) Accordingly.....the Conspirators.....caused German armed forces to invade Poland on 1.9.39 thus precipitating war... with the U.K. and France

10.9.39: K at confce with AH
re fate of Poles: Genl.Lahousen S/N

Count One (F) 5

.....after the .... defeat of Poland .....the conspirators made.... preparations for an extension of the War in Europe....they caused.... armed forces to invade
(after specific planning in advance)
Denmark and Norway on 9.4.40

C-64 12.12.39: AH, K & J discuss invasion of Norway

GB-87) 27.1.40: K sets up planning
C -63) staff re plans occupy Norway

375-PS) 25.8.38: Plan to invade
US-84) Belgium and Holland

L-79) 23.5.39: AH's conference
US-27) "Neutrality to be ignored"

(after specific planning in advance)

Belgium, the Netherlands and Luxembourg on 10.5.40

C-62) 9.10.39: Directive sgd AH
GB-106) 15.10.39: " " K

C-[illegible]0) 28.11.39: Op. orders sgd K
GB-108) re plans for 7th (Parachute Division)

440-PS) Directive 20.11.39 : sgd K
GB-107)

C-72) 7.11.39 to 10.5.40:
GB-109) 18 letters, 11 signed by K
"Postpone A Day because of weather"

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2329-PS
GB-105
7.11.39. C-in-C of Army to Army Groups
"Make preparations for invasion Dutch & Belgian territory"

790-PS
Re German White Book to explain invasion of Western Neutrals
K objects to falsifications: is prepared to sign in modified form. Dated 4.5.40. (not seen)

C-6
30.12.39: Order sgd K for intensive sea and air measures when operations start in the West (not seen)

after specific planning in advance

Yugoslavia and Greece on 6.4.41.

C-134
GB-119
20.1.41: K at conference with AH and Duce when Ops. v Greece discussed

PS-1541
GB-117
13.12.40: Order for "Marita" sgd AH: copy OKW

448-PS
GB-118
11.1.41: AH order initialled K re Greece operation.

C-59
GB-121
19.2.41: Dates of operation Marita filled in by K.

1746-PS
GB-120
27.3.41: Conference AH & K decision to attack and destroy Yugoslavia

451-PS
28.4.41: Three-Service Conference with AH: K's writing and initials: re Merkur (Crete) operation.

452-PS
17.5.41: AH order re participation of Italians in Greek operation. Initialled by K.

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Count One (F) 6

On 22.6.41 the Conspirators invaded Soviet territory beginning a War of Aggression against the U.S.S.R.

446-PS / USA-131 18.12.40. AH order for Barbarossa initialled K & J

872-PS / USA-134 3.2.41. Discussion AH: K: J discussion Barbarossa & Sonnenblume (North Africa)

1642-PS (not seen or exhibited) 1.3.41. Secret map OKW

447-PS / USA-135 13.3.41. Op. order signed K re Barbarossa

865-PS / USA-143 25.4.41. Correspondence Lammers, Rosenberg K & J re administration Eastern territories

874-PS (not seen or exhibited) 12.5.41. from K to Todt re deception re invasion

882-PS (not seen or exhibited) 4.6.41. Memorandum re intelligence and espionage during invasion initialled K & J

C-39 / USA-138 6.6.41. Time table for Barbarossa sgd K.

C-78 / USA-139 9.6.41. AH's order to K for Conference on 14.6.41.

1456-PS / USA-148 20.6.41. Thomas' memorandum: K.consulted: re resources of U.S.S.R.

1039-PS / USA-146 28.6.41: reports re administrative problems U.S.S.R. conference with K.

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Count One IV(F) 7
"Aggressive War against the U.S.A.. . . . . .

. . . . . .

Germany declared war against the U.S.A. 11.12.41.

C.75 5.3.41. OKW order signed K. copy to J.
USA.151 "Japan must be drawn
S/N 1227 actively into the war"

C.152 18.3.41.
GB 122 Meeting: AH: Raeder: K: J: re
S/N 1230 "Japan to seize Singapore
"unpreparedness of U.S.A.
"for war"

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"He authorised directed and participated in the War Crimes set forth in Count 3. and the Crimes against humanity... in Count 4..... particularly..... the ill treatment of P.o.W. and of the civilian population of occupied territories

Documents on ill treatment of P.o.W. and civilians from the planning angle.

C-50 13.5.41: K's directive re
UK-64 Barbarossa "ruthless action "against the enemy population".

C-51 27.7.41: K's directive: "Destroy (C-50).....validity not affected"

C-52 23.7.41: K's directive:
UK-40 "spread terror..... "apply draconian methods"

L-90 12.12.41: 2.2.41:
UK-35 Directive signed K for secret transportations to Germany: i.e. "Nacht und Nebel"

824-PS 16.9.41: K directive
UK-25 "for life of one German soldier 50 - 100 Communists must die"

UK-20 26.5.43: K directive. "De Gaullists taken P.o.W. on Eastern front will be handed to Vichy for proceedings.... severe measures against relatives"

1590-PS 1.10.41: K directive: "Take hostages..... shoot them"

553-PS 4.8.42: K directive: "Parachutists to be handed to SIPO and SD"

1519-PS 8.9.41: OKW Regulation signed Reinecke re treatment of Soviet P.o.W: "lost all claim to treatment in accordance with Geneva Convention".

TC-338: 15.9.41: Notes of Canaris' speech objecting to 1519-PS. K's note 23.9.41. "No chivalry: I approve the measures".

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UK-57)
) 4.1.44 - 21.4.44:
) K directives

551-PS) 25.6.44: K directive
537-PS) 30.7.44: K directive

All show that K knew of and acted on AH's order of 18.10.42 to murder parachutists, commandos, etc.
498-PS

L-158) 28.3.44: SIPO and SD of Radom
UK-13) District circulate OKW order:-
"Recaptured escaping P.o.W. (other than British and U.S.A.) to be handed to SIPO and SD: This to be kept secret: such P.o.W. classified as "escaped not recaptured"

870-PS undated (? November 44) from Terboven re sabotage at Oslo: "K cables 'make personnel and next of kin responsible': can I carry out the executions ?" K's pencil note: Yes that is the best"

C-48 30.11.44: K's directive: "if sabotage make personnel of works responsible: if one disappears then his relatives are responsible"

Documents re Slave labour

1666-PS 21.3.42: Decree for Sauckel's appointment for Man Power: sgd K

EC-194 31.10.41: K directive for using U.S.S.R. P.o.W. for War Industries

556-PS2 8.9.42: K initials order: French, Dutch and Belgian civilians to work on the "West Wall"

1292-PS 4.1.44: Sauckel to get 4,000,000 workers from occupied territories

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Documents indicating offences under Count One VIII(F) Plunder of Public and Private Property

137-PS 5.7.40: K directive

"State Libraries and archives" in Holland, Belgium, Luxembourg and France to be searched for documents" which are valuable "to Germany"

138-PS 17.9.40: K directive

"Rosenberg "entitled to transport to Germany cultural goods which appear valuable.. . ..."

743-PS 5.9.44: K directive

re "economic evacuation" of the Eastern occupied territory "we mean to seize useful products, machines, etc."

Filed Jan. 5 1946
IMT.

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Wilhelm Keitel

INTERNATIONAL MILITARY TRIBUNAL

BRITISH TRIAL BRIEF

WILHELM KEITEL

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